

Plaintiff: DOREA M. ELMADIH
vs
Defendant: PRIMARY HEALTH SERVICES CENTER, ET AL

Case Number: 2015CV01640
City Court
Wards Three And Ten, Monroe,
Ouachita Parish, Louisiana
Civil Clerks Office
600 Calypso Street

CIVIL CITATION

TO: FEKRI T. ABDULLA, D.D.S.
THROUGH AGENT FOR SERVICE
MICHAEL L. DUBOS
1811 TOWER DRICE, SUITE D
MONROE, LA 71201

SERVE

You are hereby notified that **YOU HAVE BEEN SUED** in this Court by the above named plaintiff(s), per the attached copy of the petition which has been filed.

You are hereby cited either to comply with the demand contained in the petition, a certified copy (excluding Exhibits) of which is annexed hereto, or make an appearance either by filing an answer or other pleading in the office of the Clerk of Court of Monroe in the City Court Building at 600 Calypso Street in the City of Monroe, Ouachita Parish, within **TEN (10)** calendar days.

Do not fail to respond, under penalty of default.

Witness the Honorable TAMMY D. LEE, Judge of the City Court of Monroe, Louisiana, on this 29th day of May, 2015.

Deputy Clerk of City Court For

Requested By: Plaintiff

Clerk/Judicial Administrator

SERVICE INFORMATION

On the date of _____/_____/20____, at _____ I served the same on the within named
_____ at his/her residence in jurisdiction of my office, by handing a
certified copy hereof together with a certified copy of the above described pleading to _____,
a person of suitable age and discretion, residing at the dwelling house or usual place of abode therein as a member
of his/her domiciliary establishment.

Deputy City Marshal

On the date of ____/____/20____,
at _____, served same by handing a true copy to _____
the Defendant in person.

Deputy City Marshal
Wards Three And Ten, Ouachita Parish, Louisiana

THE CITY OF MONROE

EXHIBIT

A

STATE OF LOUISIANA § PARISH OF OUACHITA
MONROE CITY COURT
DOREA M. ELMADIH
VERSUS NO. 2015CV1640
PRIMARY HEALTH SERVICES CENTER, ET AL

FILED May 29, 2015
Ontario Davis
DEPUTY CLERK OF COURT

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes Plaintiff, DOREA M. ELMADIH, major domiciliary of Monroe, Ouachita Parish, Louisiana, and respectfully represents:

1.

Made Defendants herein are:

- a) PRIMARY HEALTH SERVICES CENTER, a hospital/medical facility authorized to receive patients for medical treatment in Monroe, Ouachita Parish, Louisiana; and
- b) FEKRI T. ABDULLA, D.D.S., a dentist practicing at Primary Health Services Center, located in Monroe, Ouachita Parish, Louisiana.

2.

On June 16, 2014, Ms. Elmadih underwent dental care by Dr. Fekri T. Abdulla in which she received cosmetic veneers and/or replacement of veneers by a process of bonding, which also included the use of acid etching.

3.

During the operation on June 16, 2014, the operation was poorly managed and below the standard of care for the following reasons:

- a) The process of acid etching occurred during Ms. Elmadih's procedure; and
- b) The acid from this process leaked onto Ms. Elmadih's face, causing an area that extended down the right side of her mouth to become aggravated and blistered, leaving her with scarring and an area of hyperpigmentation on her face.

Division A

ON BEHALF OF THE CITY OF MONROE
THE CITY OF MONROE

4.

During the procedure, Dr. Abdulla failed to recognize the worsening of the condition of Ms. Elmadih's skin which led to the further decline of the condition of her skin and caused her to seek dermatological treatment after the procedure was completed.

5.

Defendant, FEKRI T. ABDULLA, D.D.S., was employed by Defendant, PRIMARY HEALTH SERVICES CENTER, during all pertinent times alleged herein.

6.

Defendant, PRIMARY HEALTH SERVICES CENTER, is vicariously liable for the conduct of its employees based on the theory of respondeat superior under LA Civ. Code Art. 2320.

7.

The sole and legal cause of this incident and all resulting damages was the fault and negligence of Defendant, PRIMARY HEALTH SERVICES CENTER, in the following particulars:

- a) negligent hiring of employees;
- b) failure to properly train employees; and
- c) failure to properly supervise employees.

8.

The sole and legal cause of this incident and all resulting damages was the fault and negligence of Defendant, FEKRI T. ABDULLA, D.D.S., in the following particulars:

- a) Failure to correctly and properly complete the aforementioned procedure;
- b) Failure to recognize the degeneration of the Plaintiff's skin during the aforementioned procedure; and
- c) Failure to not appropriately treat the immediate post-procedure complications experienced by Ms. Elmadih.

9.

On August 4, 2014, a request for medical records of Plaintiff, DOREA M. ELMADIH,

was sent to Defendants, PRIMARY HEALTH SERVICES CENTER and FEKRI T. ABDULLA, D.D.S. in regard to the date of service of June 16, 2014, in which Plaintiff underwent dental care by Dr. Abdulla at Primary Health Services Center. On August 20, 2014, a second request was sent to Defendants. All requests were denied.

10.

Defendants refusal to comply and fulfill the requests made by Plaintiff amounts to violations of LA R.S. 40:1299.96, and Defendants were notified of the same by certified mail on September 16, 2014 and told that they should comply in fifteen (15) days as stated in the aforementioned statute.

11.

Defendants did not comply within the time frame as stated in LA R.S. 40: 1299.96, and as such, they are subject to a civil penalty of five hundred dollars (\$500.00), plus attorney fees and costs.

12.

As a result of this accident, Plaintiff, DOREA M. ELMADIH, sustained the following:

- a) physical injuries;
- b) physical pain and suffering;
- c) mental anguish and distress; and
- d) medical expenses.

13.

Defendants, PRIMARY HEALTH SERVICES CENTER and FEKRI T. ABDULLA, D.D.S., are liable unto Plaintiff individually and jointly with regard to the claims asserted herein.

WHEREFORE, Plaintiff, DOREA M. ELMADIH, prays for Judgment herein in her favor and against Defendants, PRIMARY HEALTH SERVICES CENTER and FEKRI T. ABDULLA, D.D.S., individually and jointly, in such amounts as are reasonable within the premises, including penalties and attorney fees, and any and all other equitable relief, together with legal interest thereon from date of judicial demand until paid, and for all costs of these proceedings.

Respectfully submitted,

JOHN F. BRUSCATO

BRN 34900

THE BRUSCATO LAW FIRM

2011 HUDSON LANE
POST OFFICE BOX 2374
MONROE, LOUISIANA 71207-2374
(318) 325-7577
FACSIMILE (318) 325-7532

PLEASE SERVE:

PRIMARY HEALTH SERVICES CENTER
THROUGH AGENT FOR SERVICE
MICHAEL L. DUBOS
1811 TOWER DRIVE, SUITE D
MONROE, LA 71201

FEKRI T. ABDULLA, D.D.S.
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